

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action mailed December 30, 2005. In that Final Office Action, claims 1-41 were examined, and all claims were rejected. More specifically, claims 1, 2, 4-6, 7, 9, 12-15, 17, 19, 20-27, 30, 32-36 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. (USPN 5,008,853); claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun (USPN 6,510,552), and further in view of Sherman (USPN 5,832,508); claims 8 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun, and further in view of Harrison et al. (USPN 6,622,164); claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun, and further in view of Almond et al. (USPN 6,112,024); claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Vasudevan et al. (USPN 6,598,059); claims 16 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun, and further in view of Trede et al. (USPN 5,873,103); claims 18 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun, and further in view of Martin, Jr. et al. (USPN 6,610,105); claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun, and further in view of Groff et al. (USPN 5,787,411); claim 38 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun, and further in view of Mason (USPN 4,503,499); and claims 39 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bly et al. in view of Benayoun, and further in view of Barney et al. (USPN 6,212,512).

Change in Representation

A power of attorney and a statement under 3.73(b) are being filed herewith to appoint the practitioners associated with customer number 27488 as representatives to prosecute the present application.

Claim Amendments

Claim 1 is being amended back to its original form. As has been consistently maintained throughout prosecution of the present application, claim 1 in its original form is patentable over

the references cited by the Examiner. Previous amendments have been specifically made to attempt to expedite allowance, and not to address the patentability of claim 1. However, to date, agreement on allowance of claim 1 has not been reached with the Examiner. Accordingly, claim 1 is being amended back to its original form in anticipation of the possibility of appealing the rejection to claim 1. Additional arguments, not previously presented, in support of the patentability of claim 1 are presented below.

Claim 21 is being amended to recite “the file server filtering the set of data to ensure that the set of data corresponds to the at least one prior version of the selected file maintained thereon.” The amendment to claim 21 is supported by the Specification at least at page 27, line 22 through page 28, line 3; and page 31, line 21 through page 32, line 2.

Claim 32 is being amended to recite “wherein the shadow volume includes a differential file corresponding thereto.” The amendment to claim 32 is supported by the Specification at least at page 17, line 19 through page 18, line 1; claim 6; and claim 27.

The additional amendments to claims 21 and 32 are not being added in view of the prior art. Applicants believe that the claims as originally filed and as currently pending are allowable over the cited art. The claim amendments are being added merely to expedite prosecution and attempt to reach allowance of the claims.

Claim Rejections – 35 U.S.C. § 103

As stated above, the Examiner rejects all of the pending claims 1-41 in view of Bly et al. (USPN 5,008,853) as the primary reference “hereinafter Bly.” To reject the claims, the Examiner relies on Bly alone and in combination with Benayoun (USPN 6,510,552); Almond et al. (USPN 6,112,024); Vasudevan et al. (USPN 6,598,059); Sherman (USPN 5,832,508); Harrison et al. (USPN 6,622,164); Trede et al. (USPN 5,873,103); Martin, Jr. et al. (USPN 6,610,105); Groff et al. (USPN 5,787,411); Mason (USPN 4,503,499); and Barney et al. (USPN 6,212,512). The Applicants respectfully traverse the rejections.

In embodiments, the present invention is directed to methods and systems for providing access to prior versions of files or folders. In one embodiment, the present invention is directed to a method that includes the steps of receiving a request to locate a version of a file or folder, and automatically obtaining a set of data (in some embodiments time stamps) corresponding to at least one prior version of the selected file or folder. In response to the request, information

corresponding to the set of data, and consequently the prior version, is returned to enable access and restoration of the prior version.

As previously described, Bly is directed to entirely different methods and systems. Bly is directed to a multi-user collaborative work system that maintains a shared book with entries (structured data objects) that many users may manipulate simultaneously. See Bly, col. 18, lines 14-24. The entries in the shared book are not versions of the same parts or files, rather they are different parts of a single publication. See Id. at col. 18, lns. 60-67. Changes made to the individual parts are uploaded to the server storing the shared book, and replace older versions of the parts. See Id. at col. 18, lns. 50-51. As described below, Bly does not teach or suggest all the elements of the claims, and the Examiner fails to cite references that compensate for the deficiencies in Bly.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 706.02(j); and MPEP § 2143.03 (“all the claim limitations must be taught or suggested by the prior art.”) (citing In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

As described in greater detail below, the Applicants respectfully submit that the Examiner has not cited references that disclose all the elements recited in claim 1, and consequently has not established a *prima facie* case of obviousness. Specifically, with respect to the third recited step in claim 1, the Examiner has not cited a reference that discloses the elements of this step. The Applicants note that the following arguments are presented to supplement previous arguments made with respect to the patentability of claim 1 in view of Bly. Accordingly, the following arguments are alternative reasons why claim 1 is patentable over Bly and the other cited art, and are advanced without prejudice to the arguments previously presented.

The third step of claim 1 recites “returning information corresponding to the set of data in response to the request.” The only request recited in claim 1 is the “request directed to locating at least one version of a selected file or folder” from the first step. Thus, the third step requires that information corresponding to the set of data (which corresponds to at least one prior version

of the selected file or folder) be returned in response to the request for locating at least one version of the selected file or folder. In other words, it is the request for locating at least one version of the selected file or folder that triggers the returning of the information. Applicants submit that the Examiner has not cited any reference that discloses the elements recited in the third step of claim 1.

The Examiner asserts that the third step of claim 1 is disclosed by Bly's FIG. 5 and the associated description in col. 20, lines 60-67. Specifically, the Examiner asserts that Bly discloses that "when a user selects a shared book entry, the system displays all versions of entry details sheet 60A including fields for the entry's name." See Final Office Action (12/30/05), page 13. Applicants kindly submit that this language does not describe that information corresponding to a set of data corresponding to a prior version is returned in response to a request to locate a version of a file or folder. Rather, the Examiner merely states that a user selects a book entry and in response, the entry's name is returned. Indeed, the actual language in Bly makes clear that this is exactly what is occurring, namely an entry is selected and information regarding that same entry is returned. Bly states: "Entry Details property 60 shown in FIGS. 5 and 6 is obtained when a user selects a shared book entry, as indicated at 44A in FIGS. 5 and 6, and invokes the 'Show Details' command symbol 45 in header 41 of shared book window 42, shown in FIG. 2." Bly, col. 20, lns. 59-63. Thus, the information displayed in FIGS. 5 and 6 is not displayed in response to a request to locate a version of a file or folder, but is displayed in response to a request to "show details" or show properties of a selected entry, none of which includes the location of a file or folder. See Bly, FIGS. 5 and 6.

Moreover, the information displayed in FIGS. 5 and 6 is not information corresponding to a set of data, which correspond to a prior version of the selected file. As the description in Bly makes clear, the information in FIGS. 5 and 6 is specifically about the selected entry and not about a prior version. As Bly states, the "Details sheet 60 contain [sic] fields for the entry's name at 71, class at 62, revision level at 65 and last modification date 65B, size at 73, identity of locking user 70 and time of entry lock at 72 (if not locked, identity of who locked it last and when that occurred at 65A in FIG. 5), notes at 64, reasons for locking the entry 66 and access list at 68." Accordingly, all the information displayed in FIGS. 5 and 6 relates to the selected entry and not a prior version, or information/data that corresponds to a prior version.

As described above, Bly does not disclose returning information corresponding to the set of data (which corresponds to a prior version of a selected file or folder) in response to the request (for locating a version of the file or folder),” as recited in claim 1. None of the other references cited by the Examiner compensate for this deficiency in Bly. For at least this reason, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 1. Claims 2-20 are also allowable for at least this reason, as they depend from claim 1 and further recite additional patentable elements.

Turning now to independent claims 21 and 32, these claims are being amended to expedite allowance of the claims and not in view of the prior art. As a result, the new elements added to claims 21 and 32 make the claims further patentable over the cited references.

Claim 21 is being amended to recite that the file server filters the set of data to ensure that the set of data corresponds to the at least one prior version of the selected file. Neither Bly nor any of the other references cited by the Examiner teach or suggest this element of newly amended claim 21. Specifically, the new element requires that the set of data that is returned by the server in response to the request to locate a prior version of a file, be filtered to ensure that the set of data corresponds to the prior version of the file.

As stated above, none of the references cited by the Examiner discloses filtering a set of data to ensure that it corresponds to a prior version of a selected file or folder. For at least this reason, the Examiner has failed to establish a *prima facie* case of obviousness with respect to newly amended claim 21. Claims 22-31 depend from claim 21 and are also allowable for at least the same reasons.

Claim 32 has been amended to recite “wherein the shadow volume includes a differential file corresponding thereto.” Despite the Examiner’s assertions otherwise, Bly does not teach a shadow volume that includes a differential file corresponding thereto. The Examiner asserts in two separate portions of the Final Office Action that Bly discloses this element. See Final Office Action (12/30/06), pages 14 and 20. The Examiner cites two different portions of Bly, none of which discloses or mentions differential files or shadow volumes.

The Examiner first cites to col. 18, lines 15-20, which state: “A user specifies the remote location where shared book 40 is to reside at the time the user initially creates a particular instance of a shared book 40 from a blank shared book prototype shown at 40' in FIG. 3. Shared book 40 and all of its related structured data objects or entries therein will be maintained at this

specified location.” Applicants kindly submit that this language makes no mention of shadow volumes or differential files, and thus cannot disclose the noted limitation.

The Examiner also cites col. 20, lines 60-67, which state: “Entry Details property sheet 60 shown in FIGS. 5 and 6 is obtained when a user selects a shared book entry, as indicated at 44A in FIGS. 5 and 6, and invokes the "Show Details" command symbol 45 in header 41 of shared book window 42, shown in FIG. 2. There are two different versions of property sheet 60 depending on the locking state of an entry 44 at the time of invoking this command.” Applicants again respectfully submit that this language makes no mention of shadow volumes or differential files, and thus does not meet the limitation “wherein the shadow volume includes a differential file corresponding thereto.”

Moreover, none of the other references cited by the Examiner compensate for this deficiency in Bly. Accordingly, for at least this reason, the Examiner has failed to establish a *prima facie* case of obviousness with respect to newly amended claim 32. Claims 33-41 depend from claim 32 and are also allowable for at least the same reasons.

Conclusion

This Amendment fully responds to the Final Office Action mailed on December 30, 2005. Still, the Final Office Action may contain arguments and rejections and that are not directly addressed by this Amendment because they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Enclosed is a Petition for a 1-month extension of time, along with a check in the amount of \$120 as payment of the requisite fee for this extension. It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

Dated: _____

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